HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated : Nainital the 29th March, 2006
Bail Application No. 135 of 2006

Order on the bail application of the accused

CRIMINAL SIDE

Mukesh
S/o Shri Surendar Singh @ Sundar
R/o Ambedkar Colony, Kaulagarh
Police Station – Cantt.
District - Dehradun …….. Applicant

Versus

State of Uttaranchal … Opposite Party

In Case Crime No. 9 of 2006
U/s 498-A, 304-B I.P.C. & ¾ Dowry & Prohibition Act
Police Station – Cantt.
District - Dehradun

Hon'ble J.C.S. Rawat, J.

Heard Sri Sandeep Tandon-learned counsel for the applicant, learned AGA for the State and perused the record.

The present accused-applicant is the husband and he has been charged u/s 498-A, 304-B I.P.C. and ¾ Dowry & Prohibition Act. The marriage of the accused-applicant was solemnized with the deceased on 12.06.2000 and it is alleged in the FIR that the applicant alongwith his relatives demanded a sum of Rs. 25,000/- for the scooter and the said demand was fulfilled by the father of the deceased. Thereafter, they again demanded a sum of Rs. 20,000/- to open a shop of Chicken for the accused-applicant. It is also alleged that the deceased was subjected to cruelty immediately before the death in connection with the demand of dowry. When the said demand was not fulfilled, consequently, she was administered poison and she died on 08.01.2006 in the hospital. It is also on record that there is allegation against the applicant with regard to the dowry as well as of the cruelty. It is also on record that the applicant and his relatives were demanding the dowry and the deceased used to complaint this fact whenever she used to visit her matrimonial house. It was also on record that prior 2-3 months of the incident, a sum of Rs. 20,000/- was demanded and that demand was not fulfilled.

Learned counsel for the defence contended that there are certain contradictions in the F.I.R. as well as in the statement of the father and mother of the deceased with regard to the death. The prosecution has taken the case that the deceased died on 08.01.2006 and it was unnatural death and Doctor has opined that it is possible that the death has been caused by administering the poison. Hence, the contradictions which were pointed out are not material in this case. The cruelty was committed immediately before the death. It was contended that no specific role has been assigned to the applicant. There are direct allegations against the applicant of being treated to her cruelly immediately before the death in connection with the dowry. For the sake of argument. It assumed that there is no allegation against the applicant though it is not in this case. The applicant is the husband. The husband-application is not supposed to be silent spectator in such an incident and he himself has also treated the deceased cruelly.

Considering the facts and circumstance of the case in totality, it is not a fit case for bail.

Accordingly, the bail application is rejected.

(J. C. S. Rawat, J.)

Dated 29.03.2006
Shiv